

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF WISCONSIN

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ANTHONY WAYNE THOMAS,

Plaintiff,

ORDER

v.

09-cv-344-slc

U.S. FED. MARSHALS and STATE BANK ,

Defendants.  
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This is a proposed civil action brought by plaintiff Anthony Wayne Thomas, a resident of La Crosse, Wisconsin. Plaintiff seeks leave to proceed without prepayment of fees and costs or providing security for such fees and costs, pursuant to 28 U.S.C. § 1915. From the affidavit of indigency plaintiff has provided to the court, I conclude that plaintiff is financially unable to prepay the full fees and costs of starting this lawsuit.

In addressing any pro se litigant's complaint, the court must read the allegations of the complaint liberally, Haines v. Kerner, 404 U.S. 519, 521 (1972), and deny leave to proceed in forma pauperis if the action is legally frivolous or malicious, fails to state a claim on which relief may be granted, or seeks money damages from a defendant who is immune from such

relief. 28 U.S.C. § 1915(e)(2)(B).

Because it is difficult to understand the factual allegations in plaintiff's complaint, I have set out below the full text of the pleading below .

I heard from people, public radio, TV news and the Fed. Marshals them selves. And I saw with my eyes. For this reason I do know my rights and the public rights are being violated People watching me thorow my walls with lazzer cannons, stealing, breaking in threatening my life and other peoples life keeping me I sedated. From working the type of work I do and have told each other if any of use is left make sure this man has no life And the Bank is keeping my income from me ealegle. Wayne Thomas got a judgment a few mounth ago against the Fed. Marshals judgment was for them to leave me along but never did. (need Help). 3 or 4 mounth ago. [All sic] (Emphasis in original)

\_\_\_\_\_ At the end of the complaint, plaintiff lists the relief he seeks.

Punish these people but most of all make it so I have my life back. (sic)

The court will grant leave to proceed if there is an arguable basis for a claim in fact or law. Neitzke v. Williams, 490 U.S. 319, 325 (1989). When a complaint contains factually baseless claims, such as those “describing fantastic or delusional scenarios,” a district court can properly deny a plaintiff leave to proceed. Id. at 327-28. “[A] finding of factual frivolousness is appropriate when the facts alleges rise to the level of the irrational or the wholly incredible . . . .” Denton v. Hernandez, 504 U.S. 25, 33 (1992).

Plaintiff's allegations concerning being watched through his walls with laser cannons and being kept sedated describe fantastic or delusional scenarios. In addition, plaintiff's allegations that he received a judgment against the United States Marshal Service to leave him alone and that the bank is keeping his money illegally are wholly incredible. Because I am convinced that plaintiff's complaint alleges only factual by baseless claims, I must deny his request for leave to proceed in forma pauperis and dismiss this case.

ORDER

IT IS ORDERED that plaintiff Anthony Wayne Thomas's request for leave to proceed in forma pauperis is DENIED because the allegations of his complaint are legally frivolous. The clerk of court is directed to enter judgment closing this case.

Entered this 4<sup>th</sup> day of June, 2009.

BY THE COURT:

/s/

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BARBARA B. CRABB  
District Judge